

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STACIE DAVIS,

Plaintiff,

v.

HELEN C. CHOO *et al.*,

Defendants.

CASE NO. C19-1929-JCC

ORDER

This matter comes before the Court on Phillips 66 Company and Greg C. Garland’s motion to dismiss (Dkt. No. 14.) Phillips 66 and Garland request the Court dismiss all of Plaintiff’s claims against them pursuant to Federal Rule of Civil Procedure 12(b)(5) and 12(b)(2) on the grounds that Plaintiff incorrectly named them in her amended complaint, has not properly served them, and has not provided proof of service in accordance with Federal Rule of Civil Procedure 4.

Plaintiff has failed to respond to Phillips 66 and Garland’s motion. If a plaintiff fails to respond to a defendant’s motion to dismiss, then a district court may dismiss the case without reaching the merits of the motion. *See* W.D. Wash. Local Civ. R. 7(b)(2); *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995); *Marcus v. ABC Signature Studios, Inc.*, 279 F. Supp. 3d 1056, 1063 (C.D. Cal. 2017). The Court finds that approach appropriate here. Consequently, the Court GRANTS the motion to dismiss (Dkt. No. 14) and DISMISSES Phillips 66 Company and Greg

1 C. Garland (incorrectly spelled "Farland" in the complaint) from this case.

2 Plaintiff is ordered to show cause why this case should not be dismissed for failure to  
3 prosecute as to the remaining Defendants, Helen C. Choo and Carmen Best. Plaintiffs' written  
4 response is due by Wednesday, September 9, 2020.

5 DATED this 26th day of August 2020.

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9 John C. Coughenour  
10 UNITED STATES DISTRICT JUDGE  
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